

**REMARKS**

The Office Action mailed July 1, 2004, has been reviewed and the Examiner's comments have been carefully considered. Claims 1, 5, 7, 10, 13, 14, 20, 21, and 23-26 have been amended. In view of the foregoing amendments and the reasons that follow, claims 1-28 are pending and are submitted for reconsideration.

**Allowable Subject Matter**

Claims 27 and 28 are allowed. Claims 5, 7, 8, 10, 11, 13, 20, 21, 23, 25, and 26 are objected to as being dependent on a rejected base claim. Applicants appreciate the allowance of claims 27 and 28 and the indication that claims 5, 7, 8, 10, 11, 13, 20, 21, 23, 25, and 26 contain allowable subject matter. As suggested by the Examiner, claims 5, 7, 10, 13, 20, 21, 23, 25, and 26 have been amended to include the subject matter of the base claim and any intervening claims. Additionally, claim 24 has been amended to include subject matter that is similar to the subject matter of claim 26 except that amended claim 24 recites "a connector for attaching the device to the folding sign" whereas claim 26 recites "a screw for attaching the device to the folding sign." The subject matter of claim 26 is indicated in the Office Action as being patentable with "a screw." In claim 24, Applicants have broadened the recitation to "a connector" and believe that the subject matter remains patentable.

In view of the foregoing amendments, Applicants submit that claims 5, 7, 10, 13, 20, 21, and 23-26 are in condition for allowance. Claims 8 and 11 depend from claims 7 and 10, respectively, and are believed to be *prima facie* allowable therewith, without regard to further patentable subject matter contained therein. In sum, Applicants respectfully request that the Examiner allow claims 5, 7, 8, 10, 11, 13, 20, 21, 23, and 25-28, all of which are directed to subject matter that the PTO has indicated to be patentable, and claim 24, which Applicants believe to be patentable.

**35 U.S.C. § 102 Rejections**

Claims 1-4, 6, 9, and 12 are rejected under 35 U.S.C. § 102(b) as anticipated by German Patent No. 1 188 988 (Holzmann). Claim 24 is rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,875,302 (Noffsinger). The rejections should be withdrawn for at least the following reasons.

In view of the amendment discussed above, Applicants submit that claim 24 is in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection of claim 24 as anticipated by Noffsinger are respectfully requested.

The rejection of claim 1 as anticipated by Holzmann should be withdrawn because Holzmann does not teach or suggest all the features of claim 1 as amended. Claim 1 recites a folding sign having "a supporting device for supporting the flexible cover, wherein the supporting device includes at least two support members that can be moved away from one another to a collapsed position." In contrast, Holzmann discloses a folding sign having a supporting device 2 that can be moved between an open position (shown in Fig. 1) and a closed position (not shown). To move the supporting device 2 from the open position to the closed position, elongated leg members (shown in Fig. 1) of the supporting device 2 are moved toward one another so that struts 9 exert force on a spring 8 thereby compressing the spring 8. If the leg members are released, the spring 8 expands and exerts a force on the struts 9 to thereby move the leg members apart from the closed position to the open position. As shown in Fig. 1, each strut 9 is fixed to a central post 4 and to the respective leg member so that the leg members are prevented from moving beyond the open position. As a result, the leg members can not be moved away from one another to a collapsed position as called for in claim 1. For at least this reason, Holzmann does not anticipate claim 1.

Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Claims 2-4, 6, 9, and 12 depend from claim 1 and are allowable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claims 2-4, 6, 9, and 12 are respectfully requested.

#### 35 U.S.C. § 103 Rejections

Claims 14-19 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,119,621 (Johnson) in view of U.S. Patent No. 4,915,332 (Ouellette). The rejections should be withdrawn for at least the following reasons.

The rejection of claim 14 should be withdrawn because the cited references do not teach or suggest all the features of claim 14 as amended. Claim 14 recites a folding sign having a folding mechanism that includes "a plurality of coil springs that are each connected

to a corresponding support member, wherein the coil springs each include coils that are coiled about a respective longitudinal axis [and] wherein each coil spring is configured to be displaced in a latitudinal direction such that at least some of the coils move apart from one another to permit movement of the support members from an open position to a closed position and to permit movement of the support members to a collapsed position upon application of a predetermined force to the sign.” In contrast, Johnson discloses a modular cone 10 having torsional coil springs 30a-c that interconnect tubular stays 26a-c (as shown in Fig. 4) and that permit the cone 10 to move between an open position (shown in Fig. 1) and a closed position (shown in Fig. 2). To move the cone 10 from the open position to the closed position, “the stays 26a-c are manually forced into a parallel relationship (see FIG. 2), forming a compact closed orientation . . . for storage and transportation purposes.” (Johnson at col. 3, lines 34-37.) When the stays 26a-c are forced into the parallel relationship, first and second free ends 50a-c and 52a-c of the coil springs 30a-c are rotated into the closed position so that torsional force is exerted on each end of the coil springs 30a-c. (Johnson at col. 3, line 60 to col. 4, line 4; Fig. 4.) As the cone 10 moves from the open position to the closed position, however, each of the torsional coil springs 30a-c remains substantially coiled about its respective longitudinal axis. As a result, the coil springs 30a-c are not displaced in a latitudinal direction such that at least some of the coils move apart from one another as called for in claim 14 and shown, for example, in the specification at Fig. 8. Thus, Johnson does not teach or suggest all the features of claim 14.

Ouellette discloses a portable pool cue holder 10. Initially, Applicants respectfully submit that there is no motivation to combine a pool cue holder that holds a pool cue in an upright position (as disclosed in Ouellette) with a barrier that functions as a warning marker (as disclosed in Johnson). (Ouellette at col. 1, lines 5-7; Johnson at col. 1, lines 6-10.) Even if the cited references could properly be combined, the deficiencies of Johnson are not cured by Ouellette. For example, the pool cue holder 10 of Ouellette includes a support assembly 40 having legs 41 that are pivotally attached to an assembly head 46 by a pin 47 as shown in Fig. 2. (Ouellette at col. 4, line 67 to col. 5, line 5.) “The pin 47 also retains a compression spring 48, as shown in FIG 3, for each leg 41 that biases the leg 41 open or outwardly.” (Ouellette at col. 5, lines 8.) The springs 48 of Ouellette are similar to the coil springs 30a-c of Johnson in that the ends of each spring 48 are subjected to torsional forces when the

support assembly 40 is moved from the open position (shown in Fig. 1) to the closed position (shown in Fig. 2). As discussed above with respect to Johnson, each spring 48 remains substantially coiled about its longitudinal axis. Moreover, the springs 48 are prevented from moving latitudinally by the pins 47. As a result, the springs 48 are not displaced in a latitudinal direction such that at least some of the coils move apart from one another as called for in claim 14. Thus, Ouellette does not teach or suggest all the features of claim 14. For at least these reasons, the cited references do not teach or suggest all the features of claim 14. Reconsideration and withdrawal of the rejection of claim 14 are respectfully requested.

Claims 15-19 and 22 depend from claim 14 and are allowable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claims 15-19 and 22 are respectfully requested.

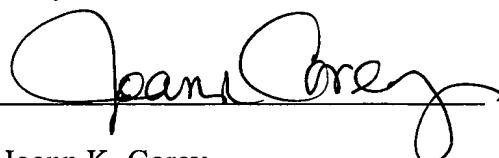
#### Conclusion

In view of the foregoing amendments and remarks, Applicants believe that the application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

Date 9/30/04

By \_\_\_\_\_



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